## BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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MMUNICATIONS, INC.	
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) ORDER NO. 295	51
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## NOTICE OF APPLICATION

On February 26, 2004, Esodus Communications, Inc. dba INSTATONE filed an Application for a Certificate of Public Convenience and Necessity to provide resold local exchange services within the State of Idaho. Esodus is located in Belleair Beach, Florida and is incorporated in the State of Florida. Esodus intends to provide resold local exchange services within the service territories of Qwest Corporation and Verizon. The Company has no plans to build facilities within the State of Idaho. The Company proposes to provide resold local exchange services primarily to residential customers.

YOU ARE HEREBY NOTIFIED that the Company's local calling areas will initially coincide with the incumbent local exchange carriers' local calling areas. According to its Application, Esodus has not initiated interconnection negotiations at this time.

YOU ARE FURTHER NOTIFIED that the Application states Esodus has reviewed the laws and regulations of this Commission governing local exchange telecommunications services in Idaho and will provide service in accordance with all laws, rules and regulations to the extent they are not preempted by the federal Act. The Company also states that it will not require deposits or prepayments.

## NOTICE OF MODIFIED PROCEDURE

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01.201 through .204.

NOTICE OF APPLICATION NOTICE OF MODIFIED PROCEDURE ORDER NO. 29551 YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Application may file a written comment in support or opposition with the Commission within twenty-one (21) days from the service date of this Notice. The comment must contain a statement of reasons supporting the comment. Persons desiring a hearing must specifically request a hearing in their written comments. Written comments concerning this Application shall be mailed to the Commission and the Applicant at the addresses reflected below:

Commission Secretary Idaho Public Utilities Commission PO Box 83720 Boise, ID 83720-0074 Michael Servos, President
Esodus Communications, Inc. dba INSTATONE
1020 Spruce Drive
Belleair Beach, FL 33786
E-mail: commercxpo@aol.com

Street Address for Express Mail:

472 W. Washington Street Boise, ID 83702-5983

These comments should contain the case caption and case number shown on the first page of this document. Persons desiring to submit comments via e-mail may do so by accessing the Commission's home page located at <a href="www.puc.state.id.us">www.puc.state.id.us</a>. Click the "Comments and Questions" icon, and complete the comment form, using the case number as it appears on the front of this document. These comments must also be sent to the Applicant at the e-mail address listed above.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

YOU ARE FURTHER NOTIFIED that the Application and Amendment, together with supporting workpapers, testimonies and exhibits, have been filed with the Commission and are available for public inspection during regular business hours at the Commission offices.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 61 of the Idaho Code and that the Commission may enter any final Order consistent with its authority under Title 61.

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NOTICE OF APPLICATION NOTICE OF MODIFIED PROCEDURE ORDER NO. 29551 YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq.

## ORDER

IT IS HEREBY ORDERED that the Application of Esodus Communications, Inc. dba INSTATONE for a Certificate of Public Convenience and Necessity be processed by Modified Procedure, IDAPA 31.01.01.201-.204. Persons interested in submitting written comments in this matter should do so no later than 21 days from the service date of this Order.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this  $29^{4}$  day of July 2004.

PAUL KJELLANDER, PRESIDENT

MARSHA H. SMITH, COMMISSIONER

Out of the Office on this Date DENNIS S. HANSEN, COMMISSIONER

ATTEST:

Jean D. Jewell () Commission Secretary

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